

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 29C.20A(2), the Department of Human Services proposes to amend Chapter 58, “Emergency Assistance,” Iowa Administrative Code.

The purpose of these amendments is to implement the provision of assistance under the Iowa Individual Assistance Grant Program (IIAGP) by an entity contracted by the Department as the result of a disaster. The Department will establish contracts for service for local provision of assistance to individuals affected by Governor-designated disaster events.

Any interested person may make written comments on the proposed amendments on or before January 14, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 29C.20A.

The following amendments are proposed.

ITEM 1. Adopt the following **new** definition of “Department” in rule **441—58.1(29C)**:
“Department” means the Iowa department of human services.

ITEM 2. Amend subrule 58.2(2) as follows:

58.2(2) Voucher system. ~~To implement a~~ The IIAGP will be implemented through a reimbursement or voucher system for IIAGP, the county board of supervisors shall authorize a local administrative entity to administer the system.

~~a. The local administrative entity may be, but is not limited to:~~

- ~~(1) A local community organization active in disaster (COAD);~~
- ~~(2) A local long-term recovery committee (LTRC);~~
- ~~(3) A nonprofit organization;~~
- ~~(4) A faith-based organization; or~~
- ~~(5) A regional or statewide LTRC.~~

~~b. The local administrative entity shall enter into a contract with the department of human services using Form FA 09-15-2010, Fiscal Agent Contract. The contract shall specify the terms for the administration of IIAGP benefits through a voucher system.~~

ITEM 3. Amend rule 441—58.3(29C) as follows:

441—58.3(29C) Application for assistance. To request assistance for disaster-related expenses, the household shall complete Form 470-4448, Individual Disaster Assistance Application, and submit it within 45 days of the disaster declaration to the ~~county emergency management coordinator contracted~~ administrative entity along with: (1) receipts for the claimed expenses or (2) a request to participate in a voucher system.

58.3(1) Application forms are available from ~~county emergency management coordinators and local offices of the department of human services~~ an approved administrative entity, as well as the Internet Web site of the department at www.dhs.iowa.gov.

58.3(2) The application shall include:

- a. A declaration of the household's annual income, accompanied by:
 - (1) A current pay stub, W-2 form, or income tax return, or
 - (2) Documentation of current enrollment in an assistance program administered by the department ~~of human services~~, the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), or other subsidy program.
- b. ~~A An authorization to release of confidential information to personnel involved in administering the program.~~
- c. A certification of the accuracy of the information provided.
- d. An assurance that the household had no insurance coverage for claimed items.
- e. A commitment to refund any part of a grant awarded that is duplicated by insurance or by any other assistance program, such as but not limited to local community development groups and charities, the Small Business Administration, or the Federal Emergency Management Administration.
- f. A short, handwritten narrative of how the disaster event ~~and how the disaster~~ caused the claimed loss ~~being claimed~~.
- g. A copy of a picture identification document for each adult applicant.
- h. When vehicle damage is claimed, current copies of the vehicle registration and liability insurance card.

ITEM 4. Amend rule 441—58.4(29C) as follows:

441—58.4(29C) Eligibility criteria. To be eligible for assistance, an applicant household must meet all of the following conditions:

58.4(1) and **58.4(2)** No change.

58.4(3) The household's self-declared annual income is at or less than 200 percent of the federal poverty level for a household of that size.

- a. Poverty guidelines are updated annually.
- b. All income available to the household is counted, including wages, child support, interest from investments or bank accounts, social security benefits, and retirement income. Proof of income is required.

58.4(4) The household has disaster-related expenses or serious needs that are not covered by insurance or ~~the claim is less than~~ that are less than the deductible amount. This program will not reimburse the amount of the insurance deductible when the claim exceeds the deductible amount.

58.4(5) No change.

ITEM 5. Amend rule 441—58.5(29C) as follows:

441—58.5(29C) Eligible categories of assistance. The maximum assistance available to a household in a single disaster is \$5,000. Assistance is available under the program for the following disaster-related expenses:

58.5(1) Assistance may be issued for personal property, including repair or replacement of the following items, based on the item's condition:

- a. Kitchen items, excluding appliances covered under subparagraph 58.5(1) "d"(8), up to a maximum of \$560, including:
 - (1) Equipment and furnishings, up to a maximum of \$560.
 - (2) Food, up to a maximum of \$50 for one person plus \$25 for each additional person in the household.
- b. Personal hygiene items, up to a maximum of \$30 per person and \$150 per household.
- c. Clothing and bedroom furnishings, up to a maximum of \$875, including:
 - (1) Mattress, box spring, frame, and storage containers, up to a maximum of \$250 per person.

- (2) Clothing, up to a maximum of \$145 per person.
- d. Other items, including:
 - (1) Infant car seat, up to a maximum of \$40.
 - (2) Dehumidifier, up to a maximum of \$150.
 - (3) Sump pump (in a flood event only), up to a maximum of \$200 installed.
 - (4) Electrical or mechanical repairs, up to a maximum of \$1,000.
 - (5) Water heater, up to a maximum of \$425 installed.
 - (6) Vehicle repair, up to a maximum of \$500.
 - (7) Heating and air-conditioning systems, up to a maximum of \$2,100 installed. Air conditioning is covered only with proof of medical necessity.
 - (8) Kitchen or laundry appliances up to a maximum of \$700 per appliance and a maximum per household not to exceed \$2,100.

58.5(2) Assistance may be issued for home repair as needed to make the home safe, sanitary, and secure, up to a maximum of \$5,000.

- a. Assistance will be denied if preexisting conditions are the cause of the damage.
- b. Assistance may be authorized for:
 - (1) The repair of structural components, such as the foundation and roof.
 - (2) The repair of floors, walls, ceilings, doors, windows, and carpeting of essential interior living space that was occupied at the time of the disaster.
 - (3) Debris removal, including trees, up to a maximum of \$1,000.
 - (4) Replacement or repair of other items of necessity as approved by the department on a case-by-case basis up to a maximum of \$5,000.
- c. Repairs to rental property or landlord-owned equipment are excluded under this program.

58.5(3) No change.

ITEM 6. Amend rule 441—58.6(29C) as follows:

441—58.6(29C) Eligibility determination and payment.

58.6(1) ~~The county emergency management coordinator or designee shall:~~

~~a. Confirm The contracted administrative entity or designee shall confirm that:~~

~~(1) The address provided on the application is a valid address and is reasonably believed to be in the disaster-affected area, and~~

~~(2) Disaster-related expenses were possible as a result of the current disaster.~~

~~b. If receipts are included, submit the household's application form and receipts to the Homeland Security and Emergency Management Division, Camp Dodge, Building W-4, 7105 NW 70th Avenue, Johnston, Iowa 50131. The envelope shall be marked "IIAGP application." The department reserves the right to view the damaged property prior to providing any assistance pursuant to IIAGP.~~

~~c. If the applicant requests to participate in the voucher system, forward the application to the local administrative entity for the county.~~

58.6(2) For applications with receipts:

~~a. The homeland security and emergency management division of the department of public defense shall:~~

~~(1) Review the application.~~

~~(2) Submit the household's application form and receipts to the DHS Office of the Deputy Director for Administration, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. The envelope shall be marked "IIAGP application."~~

~~b. Designated staff in the department of human services shall:~~

~~a. Monitor applicants' names and addresses as reports are submitted by the administrative entity.~~

~~b. Monitor, review, and provide timely submission of invoices by the administrative entity for payment and shall process appeals.~~

~~(1) Determine eligibility and the amount of payment.~~

~~(2) Notify the applicant household of the eligibility decision.~~

~~(3) Authorize payment to an eligible household.~~

~~(4) Process appeals.~~

58.6(3) For applications with a voucher or reimbursement request:

~~a. The local administrative entity for the county, the department or its designee shall:~~

~~(1) a. Determine eligibility and the amount of payment within the rules of the program.~~

~~(2) b. Notify the applicant household of the eligibility decision.~~

~~(3) c. Authorize vouchers to an eligible household to purchase needed goods and services.~~

~~(4) d. Pay vendors for goods and services purchased with vouchers.~~

~~(5) Submit a claim to the department of human services for reimbursement for voucher purchases.~~

~~b. Designated staff in the department of human services shall:~~

~~(1) Process reimbursement to the local administrative entity for claims.~~

~~(2) Process appeals.~~

ITEM 7. Amend subrule 58.7(1) as follows:

58.7(1) Reconsideration. ~~The household may request reconsideration of the department's decisions regarding eligibility and the amount of assistance awarded.~~

a. The household may request reconsideration of decisions regarding eligibility and the amount of assistance awarded.

~~a. b.~~ To request reconsideration, the household shall submit a written request to the DHS Office of the ~~Deputy Director for Administration~~, 1305 East Walnut Street, Des Moines, Iowa 50319-0114, within 15 days of the date of the department's letter notifying the household of ~~its~~ the department's decision.

~~b. c.~~ The department shall review any additional evidence or documentation submitted and issue a reconsideration decision within 15 days of receipt of the request.

ITEM 8. Amend **441—Chapter 58**, implementation sentence, as follows:

These rules are intended to implement 2009 Iowa Code Supplement chapter 29C as amended by 2010 Iowa Acts, House File 2294.